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Melissa W. Acosta  
Fulbright & Jaworski LLP  
1301 McKinney, Suite 5100  
Houston, TX 77010-3095

In re Application of	:	
ANDERSON, Robert et al.	:	
Application No.: 10/089,700	:	DECISION ON
PCT No.: PCT/GB00/03760	:	
Int. Filing Date: 02 October 2000	:	PETITION
Priority Date: 01 October 1999	:	
Attorney Docket No.: HO-P02416USO	:	UNDER 37 CFR 1.181
For: DIAGNOSIS OF COELIAC DISEASE	:	
USING A GLIADIN EPITOPE	:	

This decision is in response to "Petition Under 1.181(a) to Request to Withdraw Holding of Abandonment," filed with the United States Patent and Trademark Office on 09 January 2003.

**BACKGROUND**

On 02 October 2000, applicant filed international application PCT/GB00/03760. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 April 2001. On 19 April 2001, applicant filed a Demand for international preliminary examination, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired on 01 April 2002.

On 01 April 2002, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 May 2002, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 27 November 2002, the Office mailed Notice of Abandonment indicating that the application went abandoned for failure to timely reply to the Notice to File Missing Parts mailed 29 May 2002.

On 09 January 2003, applicants submitted the instant petition under 37 CFR 1.181, accompanied by an executed declaration.

On 10 July 2003, applicants submitted a docket record of the items docketed for response on 29 July 2002.

On 12 August 2003, applicants submitted "Supplement to Petition Under 1.181(a) to Request to Withdraw Holding of Abandonment".

### DISCUSSION

The showing required to establish nonreceipt of an Office communication is set forth in the notice entitled *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*, 1156 O.G. 53 (Nov. 16, 1993). The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Practitioner states that the Notification of Missing Requirements was not received. Applicants assert that they have searched the docket records and there is no indication that the Notification was received. Applicants have supplied the docket records for the day on which a response to the Notification would have been docketed.

The declaration submitted with this petition complies with 37 CFR 1.497(a)-(b).


### CONCLUSION

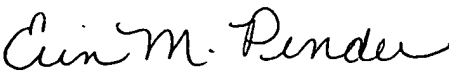
For the reasons set forth above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 27 November 2002 is VACATED.

The Notification of Missing Requirements with a mail date of 29 May 2002 is VACATED.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing. The application has an international filing date of 02 October 2000 under 35 U.S.C. §363 and a date of **09 January 2003** under 35 U.S.C. §371.

  
Boris Milef  
PCT Legal Examiner  
PCT Legal Administration

  
Erin M. Pender  
Attorney Advisor  
PCT Legal Administration

Telephone: 703-305-0455  
Facsimile: 703-308-6459